

HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SCOTT CARLSON, TYLER PARNELL,  
ALLISON HALLIFAX, SHARON L. DAVIS,  
and BRIAN ROBILLARD,

## Plaintiffs.

V.

## CITY OF REDMOND,

**Defendant.**

NO. 2:22-CV-01739-JNW

STIPULATED MOTION AND  
~~PROPOSED~~ ORDER TO SET NEW  
TRIAL DATE AND CASE SCHEDULE

**Noted for Consideration:  
Friday, February 9, 2024**

## I. STIPULATION

For good cause shown and pursuant to Federal Civil Procedure 16(b)(4) and Local Civil Rule 16(b)(6), the parties respectfully and jointly move the Court for entry of an order setting a new case schedule and trial date.

For good cause shown and with the Court’s consent, the Court may modify the deadlines in the scheduling order. Fed. R. Civ. P. 16(b)(4); LCR 16(b)(6). The “good cause” standard primarily considers the diligence of the party seeking the amendment: the district court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the parties.

STIPULATED MOTION AND [PROPOSED]  
ORDER TO SET NEW TRIAL DATE AND  
CASE SCHEDULE - 1  
(Case No. 2:22-CV-01739-JNW)

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206-957-9669

1 seeking the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir.  
 2 1992) (citing Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment)). Although the  
 3 existence or degree of prejudice to the opposing party might supply additional considerations for  
 4 a motion to modify, the focus remains on the moving party's reasons for seeking modification.  
 5 *Johnson*, 975 F.2d at 609.

6 Counsel for the parties have been working cooperatively in discovery, have conferred, and  
 7 agree that good cause exists to grant the relief requested, as set forth below:

8 1. Plaintiffs served supplemental discovery responses on October 10, 2023. Plaintiffs  
 9 propounded a Third set of Interrogatories and Requests for Production on the City of Redmond on  
 10 November 3. The City of Redmond served its responses on December 14, and served amended  
 11 responses correcting an error on December 15. The parties anticipate that there may be additional,  
 12 limited written discovery.

13 2. The parties have not taken any depositions to date. The parties continue to work  
 14 and communicate collaboratively to complete discovery.

15 3. Counsel for the City of Redmond have a number of trial conflicts in the fall and  
 16 winter of 2024. Counsel for the Plaintiffs is unavailable in the month of December due to important  
 17 personal commitments.

18 4. Counsel for the Plaintiffs intend to associate with out of state counsel to assist with  
 19 trial of this matter. New counsel will need time to get up to speed on this matter and are working  
 20 diligently to do so. Plaintiffs intend to file motions to admit counsel pro hac vice shortly.

21  
 STIPULATED MOTION AND ~~PROPOSED~~  
 ORDER TO SET NEW TRIAL DATE AND  
 CASE SCHEDULE - 2  
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1       5. On Thursday, February 8, 2024, counsel for the parties conferred by telephone and  
 2 agreed that good cause exists to continue the trial date until early 2025 to complete discovery and  
 3 permit efficient trial of this matter.

4       Given the above referenced facts, the parties stipulate that good cause exists to set a new  
 5 case schedule and trial date in this matter. The parties now jointly move the Court for an order to  
 6 that effect.

7       THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

8       A new case schedule and trial date shall be set as follows<sup>1</sup>:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Disclosure of expert testimony under FRCP 26(a)(2)	February 12, 2024	August 2, 2024
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	March 13, 2024	August 30, 2024
All motions related to discovery must be filed by and noted on the motion calendar no later than the third Friday thereafter (see LCR 7(d))	March 13, 2024	September 3, 2024
Discovery completed by	April 12, 2024	October 3, 2024
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	May 13, 2024	November 1, 2024
All motions related to expert witnesses (e.g., a Daubert motion) must be filed by and noted on the motion calendar no later than the third Friday thereafter (see LCR 7(d))	June 27, 2024	November 1, 2024
Settlement Conference under LCR 39.1, if requested by parties, held no later than	July 11, 2024	January 3, 2025

19  
 20  
 21     <sup>1</sup> The following dates are proposed, subject to the Court's availability.

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
All motions in limine should be filed by and noted on the motion calendar no later than the Friday before the Pretrial Conference. (See LCR 7(d)(4))	July 31, 2024	January 24, 2025
Trial Briefs due	August 26, 2024	February 17, 2025
Agreed Pretrial Order due <sup>2</sup>	August 19, 2024	February 10, 2025
Proposed Findings of Fact and Conclusions of Law, and designations of deposition testimony pursuant to CR32(e) due	August 19, 2024	February 10, 2025
Pretrial conference to be held at <b>10:00am</b> on	September 4, 2024	February 21, 2025
10 DAY BENCH TRIAL set for 9:00am	September 9, 2024	March 3, 2025

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

DATED this 9th day of February, 2024.

By: /s/ Robert L. Christie  
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Attorneys for Defendant

I certify that this memorandum contains  
 761 words, in compliance with the  
 Local Civil Rules.

By: /s/ Tracy Tribbett  
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 Attorney for Plaintiffs

<sup>2</sup> The Agreed Pretrial Order shall be filed in CM/ECF and shall also be attached as a Word compatible file to an e-mail sent to the following address: WhiteheadOrders@wawd.uscourts.gov.

## **II. PROPOSED ORDER**

THIS MATTER having come on regularly for hearing upon the stipulation of the parties above contained, and the Court being fully advised in the premises, now, therefore, it is hereby ORDERED that the following trial date and case schedule shall be set:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Disclosure of expert testimony under FRCP 26(a)(2)	February 12, 2024	August 2, 2024
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	March 13, 2024	August 30, 2024
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Trial Briefs due	August 26, 2024	February 17, 2025
Agreed Pretrial Order due <sup>3</sup>	August 19, 2024	February 10, 2025

<sup>3</sup> The Agreed Pretrial Order shall be filed in CM/ECF and shall also be attached as a Word compatible file to an e-mail sent to the following address: WhiteheadOrders@wawd.uscourts.gov.

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Proposed Findings of Fact and Conclusions of Law, and designations of deposition testimony pursuant to CR32(e) due	August 19, 2024	February 17 <u>10</u> , 2025
Pretrial conference to be held at <b>10:00am</b> on	September 4, 2024	February 21, 2025
10 DAY BENCH TRIAL set for 9:00am	September 9, 2024	March 3, 2025

ENTERED this 16th day of February, 2024.



Jamal N. Whitehead  
United States District Judge

Presented by:

By: /s/ Robert L. Christie  
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